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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/540,785 | 03/31/2000 | Kevin W. Bross | 042390.P8413 | 1972 |

7590 01/18/2005
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard Seventh Floor
Los Angeles, CA 90025

| EXAMINER |
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NGUYEN, HANH N

| ART UNIT | PAPER NUMBER |
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2662

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 09/540,785 | Applicant(s) BROSS ET AL. | |
| | Examiner Hanh Nguyen | Art Unit 2662 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,6,10,11,16,17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,10,11,16,17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 10 and 11 are objected to because of the following informalities:

In claim 10, it is not clearly stated on line 8 what is meant by “said first port further comprises a first port” and on line 11 “said first port further comprises a first port”.

In claim 11, It is not clearly stated on line 6 what is meant by “saaid first port further comprises a first port”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 5, 6, 10, 11, 16, 17 and 19 are rejected under 35 USC 102(e) as being anticipated by Vardi et al. (Pat. 6,798,873 B2).

In claims 1, 5, 6, 10, 11, 16, 17 and 19, Vardi et al. discloses, in Fig.1, transmitting a third packet data signal (status request for telephone line 14 transmitted from user 10) to a second remote device (server 16) requesting status information of a first remote device (user 12). See col.5, lines 25-30. The server 16 transmits a first network port packet data signal (the request) to the first remote device (user 12) over a network connection (Internet); see col.5, line 65 to col.6, line 15; Receiving a second network port packet data signal (status of telephone 14) from the first remote device (user 12) comprising a busy signal (“off hook” signal indicating telephone 14 is busy or “telephone 14 is busy”) indicating that the first remote device is busy (telephone 14 at user 12 is busy) and address of the second remote device on the network (implicitly IP address of server 16 which is connected to Internet, col.5, lines 42-55) (col.6, lines 10-15 & 20-35); receiving a fourth port packet data signal (status of telephone 14) from the second remote device (user 12) comprising status information of the first remote device (telephone 14 is busy at the user 12). See col.6, lines 22-35 & lines 57-63. Vardi further discloses the second device (server 16) is serviced (by a device called line detector attached at telephone 14 that determines off-hook/on-hook status) by the first device (user 12). See col.6, lines 10-20.

Vardi et al. discloses VOIP system wherein users 10, 12 using their respectively data terminals 18, 22 to communicate via Internet. Softwares installed in client terminals place a call between the users once the line statuses become known to computer terminals 18, 22 (see col.7, lines 40-50). Therefore, there is a storage medium in each of user’s data terminal to store therein machine executable instructions.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 USC 103(a) as being unpatentable over Vardi et al. (pat. 6,798,873 B2).

In claim 20, Vardi et al. discloses the status information (telephone line status) of the first device (user 120 includes busy status (off-hook/busy/not available). See claim 1. But Vardi et al. does not disclose the status information including ink level, paper level, print head temperature and toner level. Status information of a device including ink level, paper level, print head temperature and toner level is well-known in the art. Therefore, it would have been obvious to one ordinary skilled in the art to transmit from a printer at user 12 (a device) status information including lower ink level, empty paper level, print head temperature is over heated and lower toner level to determine the status of the device.

Response to Arguments

Applicant's arguments with respect to claims 1, 5, 6, 10, 11, 16, 17, 19 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Williams (Pat. 6112247) discloses Network controller for processing status queries.

Heizer (pat.5249290) discloses method of and apparatus for operating a client/server computer network.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8AM to 5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2662

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'H. Nguyen', with a stylized, cursive script.

HANH NGUYEN
PRIMARY EXAMINER